

ORIGINAL

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**  
ARTHUR K. CUNNINGHAM, SB# 97506  
2 E-Mail: akcatty@lbbslaw.com  
650 East Hospitality Lane, Suite 600  
3 San Bernardino, California 92408  
Telephone: 909.387.1130  
4 Facsimile: 909.387.1138

5 Attorneys for Defendants  
CITY OF BEAUMONT and GREG  
6 FAGAN

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10  
11 SCOT DAVIS, et al.,  
12 Plaintiffs,  
13 vs.  
14 CITY OF BEAUMONT,  
et al.,  
15 Defendants.  
16

CASE NO. CV 12-04990 ABC (SHx)  
**DECLARATION OF ARTHUR K.  
CUNNINGHAM IN SUPPPORT OF  
DEFENDANT CITY'S PARTIAL  
MOTION FOR SUMMARY  
JUDGMENT**

Trial Date: None Set

17 ///  
18 ///  
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

DECLARATION OF ARTHUR K. CUNNINGHAM

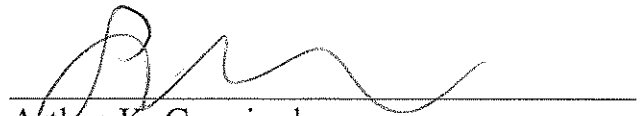
I, Arthur K. Cunningham, declare as follows:

1. I am an attorney duly admitted to practice in all of the courts of the State of California and I am a partner with Lewis Brisbois Bisgaard & Smith LLP, attorneys of record for CITY OF BEAUMONT therein. The facts set forth herein are of my own personal knowledge, and if sworn I could and would competently testify thereto.

2. On May 24, 2013, I took the depositions of plaintiffs Davis, Ford and Harris in Beaumont, California, before a certified shorthand reporter. The witnesses were sworn and testified.

3. Attached hereto as Exhibits 1-3 are true and correct copies of the pertinent portions of the depositions of Plaintiff Davis (Ex. 1), Plaintiff Ford (Ex. 2) and Plaintiff Harris (Ex. 3), as well as copies of documents referenced during the depositions. These transcripts accurately report the sworn testimony of the plaintiffs during those depositions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on May 31, 2013, at San Bernardino, California.

  
Arthur K. Cunningham